

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:98-CR-00307-RJC

USA )  
 )  
v. ) ORDER  
 )  
VONTAVION BRICE )  
 )

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**THIS MATTER** is before the Court upon motion of the defendant pro se for a reduction of sentence based on the Fair Sentencing Act of 2010 (FSA). (Doc. No. 70).

The Court previously reduced the defendant's sentence based on retroactive changes to the United States Sentencing Commission Guidelines relating to crack cocaine. (Doc. No. 56: Order). The defendant filed in the instant motion on July 2, 2012, after he had begun his term of supervised release on October 8, 2008, (Doc. No. 61: Petition at 1). Therefore, he is no longer under a sentence that could be affected by the FSA. Even if he were, he would not be entitled to relief because his offense and sentencing were before the effective date of the FSA. Dorsey v. United States, 132 S. Ct. 2321, 2335 (2012) (reduced mandatory minimums apply to those sentenced after August 3, 2010).

**IT IS, THEREFORE, ORDERED** that the defendant's motion (Doc. No. 70) is **DENIED**.

Signed: July 9, 2013

  
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Robert J. Conrad, Jr.  
United States District Judge  
